



# Department of Justice



## ENVIRONMENTAL PROTECTION AGENCY

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ENRD (202) 514-2007  
EPA (202) 564-4355  
TDD (202) 514-1888

### **U.S. ANNOUNCES CLEAN AIR AGREEMENT WITH NATION'S LARGEST HAZARDOUS WASTE TREATMENT AND DISPOSAL OPERATOR**

#### ***Operator to Properly Calculate Benzene Emissions at 10 Facilities in Eight States***

WASHINGTON, D.C.—The Justice Department and the Environmental Protection Agency (EPA) today announced a settlement with Clean Harbors Environmental Services that is expected to enhance calculating and reporting on benzene emissions from North America's largest operator of hazardous waste treatment and disposal facilities. This settlement involves 10 facilities in eight states. It confirms the proper industry standard for compliance with the Clean Air Act regulation that limits benzene emissions from facilities that treat, store, and dispose of hazardous waste.

The affected facilities are located in Chicago, Illinois; Cincinnati, Ohio; Braintree, Massachusetts; Bristol, Connecticut; Baton Rouge, Louisiana; Plaquemine, Louisiana; La Porte, Texas; Deer Park, Texas; Kimball, Nebraska; and Aragonite, Utah.

The agreement with Clean Harbors is part of EPA's efforts to enhance compliance with benzene regulations among hazardous waste treatment, storage, and disposal facilities. Benzene is a hazardous air pollutant and a known carcinogen.

"By enforcing proper methods to calculate benzene emissions, we move closer to ensuring that this hazardous air pollutant is not unlawfully emitted into our environment," said Acting Assistant Attorney General Kelly A. Johnson. "Today's settlement with the country's largest operator of hazardous waste treatment and disposal facilities should set the standard for the rest of this industry."

A consent decree, filed today in U.S. District Court for the Northern District of Illinois, will require Clean Harbors to properly determine the benzene quantities in waste shipments received from its customers. Clean Harbors will not be allowed to estimate the benzene received by using the middle number in a range of possible benzene concentrations that a customer supplies. Instead, Clean Harbors will have to measure the actual benzene concentration or use the high end of the range in order to ensure that

benzene is not underreported. Underreporting benzene can result in failing to install pollution controls on tanks and other equipment that handle benzene.

The states of Illinois and Louisiana are joining the settlement.

“This settlement underscores EPA’s commitment to enforcing the Clean Air Act. Companies that treat, store, or dispose hazardous waste are required to properly quantify the amount of benzene received at their sites,” said Granta Nakayama, EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance. “It is particularly important for facilities that have the potential to release benzene, a known carcinogen, into the air.”

“Benzene is a known carcinogen. With this settlement, Clean Harbors will be required to keep more accurate records of benzene quantities and better train its employees in its handling, so that proper controls can be utilized when it is transported through or disposed of at its Chicago facility,” Illinois Attorney General Lisa Madigan said. “This agreement will provide more protection not only for the company's employees, but also for Illinois residents.”

To meet its obligations under the consent decree, Clean Harbors will revise its nationwide “Waste Material Profile Sheet” to ensure that all customers that are covered by the benzene waste regulation properly evaluate and certify the amount of benzene in their waste shipments. Clean Harbors will institute a program to sample these wastes to ensure proper reporting and will train its employees on compliance with the benzene regulations. Clean Harbors will also pay a \$300,000 penalty.

The proposed consent decree is subject to a 30-day public comment period. A copy of the consent decree lodged today is available on the Department of Justice website at <http://www.usdoj.gov/enrd/open.html>.

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